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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,489	01/23/2002	Osamu Hashimoto	0819-0739	7304
22204	7590	11/17/2003	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/052,489

Applicant(s)

HASHIMOTO ET AL.

Examiner

Victor MacArthur

Art Unit

3679

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 04124520.

1. JP04124520 discloses (figs.1-3) a shift lever bush (5, 9) mounted between a shaft portion (20) formed in one of a pair of axially two-piece-divided shift lever members (19, 22) and a cylindrical portion (lower portion of 22) formed in the other of said pair of shift lever members, said shift lever bush comprising: an inner cylindrical body (2) mounted to said shaft portion of said one shift lever member by external interfit, an outer cylindrical body (4) disposed substantially coaxially with a cylinder axis of said inner cylindrical body so as to surround an outer peripheral surface of said inner cylindrical body, and mounted to said cylindrical portion of said other shift lever member by internal interfit, and a rubber elastic body (5), fixedly attached to said outer peripheral surface of said inner cylindrical body, for connecting together said inner and outer cylindrical bodies, wherein said rubber elastic body includes an interfit fixing portion (portion of 5 in contact with 2 and 4 in fig.1) which is fixed to an inner peripheral surface of said outer cylindrical body by internal interfit and at least one projecting portion (8 as seen in fig.2) which becomes radially convex from said inner cylindrical body toward said outer cylindrical body are formed, said interfit fixing portion and said projecting portion being provided at different positions in the cylinder axis direction, and wherein said outer cylindrical body

Art Unit: 3679

includes a recessed portion (7), which becomes concave correspondingly to the shape of said projecting portion with a clearance of a given amount left between said recessed portion and said projecting portion, is provided at a position of said inner peripheral surface of said outer cylindrical body corresponding to the position of said projecting portion.

2. JP04124520 discloses that said recessed portion of said outer cylindrical body is formed by a pair of recesses which are circumferentially spaced from each other by a given distance in said outer peripheral surface of said outer cylindrical body and which are so recessed as to respectively project toward said inner peripheral surface of said outer cylindrical body, wherein said inner cylindrical body is inserted to the inside of said outer cylindrical body, with said rubber elastic body fixedly mounted to said inner cylindrical body, and wherein during said insertion said interfit fixing portion of said rubber elastic body is interfittingly fixed, by press fit, to said inner peripheral surface of said outer cylindrical body, wherein said interfit fixing portion is formed at an end of said rubber elastic body on the side of a base end (lower portion of 5) thereof in the direction of said insertion of said inner cylindrical body into said outer cylindrical body, and wherein said rubber elastic body further includes an introduction portion (upper portion of 5), which becomes radially convex (top of 5) from said inner cylindrical body toward said outer cylindrical body and the amount of projection of which is smaller than that of said projecting portion, is provided at a position of said rubber elastic body located nearer to the side of a leading end (top end of 2) of said inner cylindrical body in said insertion direction than said projecting portion.

***Response to Arguments***

Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that JP 04124520 does not show the newly added limitation of the rubber elastic body having the projecting portion since the projecting portion (11) is not disposed on the elastic body (5). Note that the new grounds of rejection rely on projecting portion (8) rather than projecting portion (11) and thus meet the newly added limitations.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



VLM

November 9, 2003



**Lynne H. Browne**  
**Supervisory Patent Examiner**  
**Technology Center 3600**